

**SUMMARY MEETING MINUTES** (Subject to ZBA review and approval)  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**May 16, 2012**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:47 to 9:00 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Al Tibbetts,  
Jeff Williams and Rich Wood

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy  
Fazekas

**OPENING**

ZBA Chair Gary Greene opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**PUBLIC HEARING**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 26-2012** - The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah filed on April 25, 2012 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the reconstruction and enlargement to a two story residence with AC equipment; Section 334: construction on a portion of the lot with 107.0 in lieu of 150.0 feet minimum required lot depth or width; and Section 406: 13.8 in lieu of 40.0 feet minimum required southwest rear yard setback for the residence; 24.0 in lieu of 40.0 feet minimum required southeast rear yard setback for the residence; 28.1 in lieu of 40.0 feet minimum required north rear yard setback for the residence; and 29.6 in lieu of 40.0 feet minimum required north rear yard setback for the AC equipment. The property is an interior lot accessed from the east side of the Peabody Lane cul-de-sac approximately 1000 feet northeast of the intersection of Salem Straits and Peabody Lane and is shown on Assessor's Map #62 as Lot #60, being 11 Peabody Lane, also known as 66 Salem Straits and located in an R-1 (residential) Zone.

Attorney Wilder Gleason and Builder Bo Malpass answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Amy Zabetakis questioned and objected to an aspect of the application. The Public Hearing was then closed.

### **CONTINUATION OF PUBLIC HEARING**

The following hearing was continued from the April 11, 2012 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 52-2011** - The application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims filed on December 21, 2011 for variances of Sections 666, 944, and if necessary 1056 of the Darien Zoning Regulations, to allow the construction of a one and one-half story addition; Section 666: 20.3 in lieu of 30.0 feet minimum required front yard setback relative to Old Kings Highway South, 0.25 in lieu of 0.0 feet or 4.0 minimum required side yard setback, on a property with 86.7 in lieu of 80.0 maximum allowable developed site area; Section 944; 20.35 in lieu of 25.0 feet minimum required landscape buffer, modifications of the previously established 25.0 feet minimum required landscape buffer; and if necessary Section 1056: reduction of the 1,000 square foot minimum required disabled vehicle storage area. The property is situated on the east side of Boston Post Road opposite the corner formed by the intersection of Hecker Avenue and Boston Post Road, and is situated on the west side of Old Kings Highway South approximately 100 feet south of the intersection of Goodwives River Road and Old Kings Highway South, and is shown on Assessor's Map #63 as Lots #15, 16, and 17, being 1416 Boston Post Road and located in an SB (commercial) Zone.

No one appeared to answer questions or explain the proposal described in the application materials. The Public Hearing was then closed.

### **PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 23-2012** - The application of Scott Church on behalf of LTB Properties, LLC filed on April 25, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 17,426 in lieu of 21,780 square feet minimum required lot size and 85.0 in lieu of 100.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 85.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the north side of Middlesex Road approximately 50 feet west of the intersection of Noroton Avenue and Middlesex Road and is shown on Assessor's Map #9 as Lot #15, being 207 Middlesex Road and located in an R-1/2 (residential) Zone.

At the request of the applicant, the Public Hearing was opened and immediately continued to the next ZBA meeting on June 20, 2012.

**CALENDAR NO. 24-2012** - The application of Michael Blanc & Assoc. on behalf of Patric Mesot filed on April 25, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 105.0 in lieu of 150.0 feet minimum required lot depth, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 105.0 in lieu of 150.0 feet minimum required lot depth. The property is situated on the southwest side of the Queens Lane cul de sac approximately 700 feet east of the intersection of Old Kings Highway South and Queens Lane and is shown on Assessor's Map #63 as Lot #99, being 11 Queens Lane and located in an R-1 (residential) Zone.

Architect Michael Blanc and Engineer Brian French answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 25-2012** - The application of S. Edward Parker on behalf of 39 Stony Brook Road, LLC filed on April 25, 2012 for a variance of Section 406 of the Darien Zoning Regulations, to allow interior alterations, the construction of a second story addition, and the installation of AC, propane and generator equipment; Section 406: 21.4 in lieu of 40.0 feet minimum required north rear yard setback. The property is situated on the west side of Stony Brook Road approximately 50 feet north of the intersection of Stony Brook Road South and Stony Brook Road and is shown on Assessor's Map #19 as Lot #26, being 39 Stony Brook Road and located in an R-1 (residential) Zone.

Architect Edward Parker, owners Matt Jacobson and Tina Simone answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 26-2012** – The application of Gleason & Associates, LLC on behalf of Paul F. Darrah & Amy J. Darrah, 11 Peabody Lane. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS variances of Sections 334 and 406; to allow the reconstruction and enlargement to a two story residence. Upon a separate motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 3-2 to APPROVE a variance of Section 406; to allow the installation of AC equipment. Vic Capellupo, Jeff Williams and Rich Wood voted in favor of the motion. Gary Greene and Chuck Deluca were opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is DENIED IN PART/GRANTED IN PART WITH STIPULATIONS.

**CALENDAR NO. 52-2011** – The application of Jacek Bigosinski and PB Architects on behalf of H&L Chevrolet and Daniel Haims, 1416 Boston Post Road. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to DENY WITHOUT PREJUDICE the above delineated, requested variances.

**CALENDAR NO. 24-2012** – The application of Michael Blanc & Assoc. on behalf of Patric Mesot, 11 Queens Lane. Upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance and interpretation.

**CALENDAR NO. 25-2012** – The application of S. Edward Parker on behalf of 39 Stony Brook Road, LLC, 39 Stony Brook Road. Upon a motion by Al Tibbetts, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested six month extension, received May 3, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 57-2010, 205 Post Road Development Partners, 205 Boston Post Road. The Public Hearing of this matter was September 22, 2010. Following a November 15, 2011 request, on November 16, 2011 the ZBA granted an extension to June 7, 2012. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to APPROVE A SIX MONTH EXTENSION; therefore expiring December 7, 2012.

Requested amendment to a stipulation in the decision of Calendar No. 39-2009, J. Willson Ropp & Adrienne Dreiss, 364 Hollow Tree Ridge Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested amendment.

Approval of Minutes of meeting on April 11, 2012. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Rich Wood. Upon a motion by Vic Capellupo, seconded by Al Tibbetts, the ZBA voted 3-0 to approve the subject minutes. Vic Capellupo, Al Tibbetts and Rich Wood voted in favor of the motion. Ruth Anne Ramsey, John Ashburne and Jeff Williams previously indicated their approval.

### ADJOURNMENT

The meeting was adjourned at 9:00 PM.

These Meeting Minutes,  
Respectfully submitted May 22, 2012,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 4-0 to approved the minutes at the ZBA meeting on June 20, 2012. Vic Capellupo, Gary Greene, Al Tibbetts, and Jeff Williams voted in favor of the motion. Chuck Deluca and Rich Wood previously indicated their approval.